

Union Calendar No. 170

109TH CONGRESS
1ST SESSION

H. R. 3128

[Report No. 109-313]

To affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. WAXMAN (for himself, Mr. SHAYS, Mr. DAVIS of Illinois, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. KOLBE, Mr. HOYER, Mr. ENGEL, Ms. BALDWIN, Mr. VAN HOLLEN, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Government Reform

NOVEMBER 18, 2005

Additional sponsors: Mr. MEEK of Florida, Mr. PASTOR, Mr. CROWLEY, Mr. GRIJALVA, Mr. INSLEE, Mr. ROTHMAN, Mr. HONDA, Mr. MORAN of Virginia, Mr. WU, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. EMANUEL, Mr. FILNER, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. HINCHEY, Ms. BERKLEY, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. McDERMOTT, Mr. BERMAN, Mr. SABO, Ms. SLAUGHTER, Mr. PAYNE, Mr. LARSON of Connecticut, and Mr. FATTAH

NOVEMBER 18, 2005

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clarification of Federal
5 Employment Protections Act”.

6 **SEC. 2. DISCRIMINATION ON THE BASIS OF SEXUAL ORI-**
7 **ENTATION PROHIBITED.**

8 (a) REPUDIATION.—In order to dispel any public con-
9 fusion, Congress hereby repudiates any assertion that
10 Federal employees are not protected from discrimination
11 on the basis of sexual orientation.

12 (b) AFFIRMATION.—It is the sense of Congress that,
13 in the absence of the amendment made by subsection (c),
14 discrimination against Federal employees and applicants
15 for Federal employment on the basis of sexual orientation
16 is prohibited by section 2302(b)(10) of title 5, United
17 States Code.

18 (c) AMENDMENT.—Section 2302(b)(1) of title 5,
19 United States Code, is amended—

20 (1) by striking “or” at the end of subparagraph
21 (D);

22 (2) by inserting “or” at the end of subpara-
23 graph (E); and

24 (3) by adding at the end the following:

25 “(F) on the basis of sexual orientation.”.

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